

## **REMARKS**

In the last Patent Office Action, Claims 1-4, 8, 9, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of the U.S. Patent of Graebe No. 5,596,781. It is respectfully submitted that the above rejected claims in their originally filed form, and in their currently amended form are not anticipated by the disclosure of the Graebe reference.

For a prior-art reference to anticipate, every element of the claimed invention must be identically shown in a single reference.

In re Bond, 910 F.2d 831, 15 USPQ 2<sup>nd</sup> 1566, 1567, 1568 (Fed. Cir. 1990).

Any degree of physical difference, however slight, invalidates claims of anticipation.

Ultradent Products, Inc. v. Life-Like Cosmetics, Inc., 39 USPQ 2<sup>nd</sup> 1969, 1980 (Utah 1996).

Of the above rejected claims, claim 1 is the only independent claim. Claim 1 required a pillow comprising an inflatable cushion with an interior volume having a sealed forward section, a sealed rearward section adjacent the forward section, a sealed left side section adjacent the forward and rearward sections, and a sealed right side section adjacent the forward and rearward sections and being on an opposite side of the cushion from the left side section. These features of the invention set forth in claim 1 as it was originally filed are not "identically shown" by the Graebe reference as required for anticipation by the above-cited case law. Furthermore, the physical differences between the subject matter claimed and the air cushion disclosed by the

Graebe reference, however slight, invalidate anticipation according to the above-cited case law.

The Graebe reference shows in Figure 25 an air cushion (70) having a multiple of air cells. The Graebe reference discloses two alternatives for the cushion (70). Either all of the cells are interconnected and therefore not sealed from each other, or each series of cells of a common size are separately inflatable, i.e., sealed from cells of other sizes (column 9, lines 30-32). Thus, the cells (74) are either sealed from the cells (73a) (which together are interpreted as the claimed sealed forward section in the rejection), or all of the cells of the cushion intercommunicate and are not sealed from each other. The cells (72) are either sealed from the cells (72a) (that are interpreted as the claimed sealed rearward section in the rejection), or all of the cells of the cushion intercommunicate and are not sealed from each other.

Because all of the cells of the same size must be sealed to each other as required by the Graebe reference, the reference as interpreted in the rejection does not identically show a sealed forward section, a sealed rearward section adjacent the sealed forward section, a sealed left side section adjacent both the forward section and rearward section, and a sealed right side section adjacent both the forward section and rearward section and on an opposite side of the forward section and rearward section from the sealed left side section. The cells (74) are sealed from the cells (73a). The cells (72) are sealed from the cells (72a).

Because claim 1 as originally filed does not identically show the subject matter of the invention recited in original claim 1 as set forth above, the Graebe reference does

not anticipate the subject matter of claims 1-4, 8, 9, 11, and 12, and these claims are allowable over the prior art.

Furthermore, claim 1 has been amended herein to specifically set forth that the pillow of the invention is configured to support a user's head and neck. The claim has also been amended to specifically set forth that the forward section is positioned and dimensioned to support a user's neck, that the rearward section is positioned and dimensioned to support a user's head, and that the left and right side sections are positioned and dimensioned to support the user's head. This configuration of an inflatable cushion is not identically shown by the Graebe reference. The cushion (70) shown in Figure 25 is specifically designed as a wheelchair seat cushion. Thus, for this additional reason, the Graebe reference fails to identically show the subject matter of the invention recited in amended claim 1. For this additional reason, it is respectfully submitted that claims 1-4, 8, 9, 11, and 12 are allowable over the prior art.

Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being obvious in view of the disclosure of the U.S. Patent of Graebe No. 5,596,781. Claims 5-7 depend from claim 1, and Claim 1 has been distinguished from the Graebe reference above. It is respectfully submitted that the cushion (70) disclosed in Figure 25 of the Graebe reference, which is specifically designed for use as a wheelchair seat, does not make obvious an air cushion specifically configured to support the neck and head of a user as recited by amended claim 1. For the reasons set forth above, it is respectfully submitted that claims 5-7 are not obvious in view of the Graebe reference, and are allowable over the prior art.

Claims 10 and 13-20 were rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over the disclosure of the U.S. Patent of Graebe No. 5,596,781, in combination with the disclosure of the U.S. Patent of Graebe No. 5,052,068. It is respectfully submitted that the subject matter of the invention recited in the rejected claims is not made obvious by the disclosures of these two references.

Claim 10 depends from claim 1 and is therefore allowable over the Graebe references for the reasons set forth above.

Claim 13 is the only independent claim of the rejected claims. Claim 13 has been amended in a manner similar to that of claim 1, specifically reciting that the pillow inflatable cushion is configured to support a user's head and neck.

As set forth in the Office Action, the motivation for combining the two Graebe references is "to produce a cradle which tends to nestle the user's buttocks". This motivation allegedly found in the Graebe references does not provide for designing a pillow comprising an inflatable cushion that is specifically configured to support a user's head and neck as set forth in amended claim 13. A pillow designed for the anatomical features and contours of a person's buttocks does not make obvious a pillow specifically configured to support a user's head and neck, as recited in claim 13. In view of this, it is respectfully submitted that claim 13 is not made obvious by the disclosures of the two references, and is allowable over the prior art.

Claims 14-20 all depend from amended claim 13, and therefore are allowable for the reasons set forth above.


It is also pointed out that dependent claims 2, 4, 9, and 14 have been amended herein by incorporated into these claims all of the subject matter of their respective

independent claims. These amended dependent claims recite subject matter of the invention that is not disclosed or suggested in any of the prior art references. It is therefore respectfully submitted that in view of this additional reason, the amended claims 2, 4, 9, and 14 are allowable over the prior art.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and favorable action is requested.

Respectfully submitted,

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